



JEFFREY REDDING
Director

NAPA COUNTY

CONSERVATION -- DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
TELEPHONE 707/253-4416 FAX 707/253-4336

April 17, 1998

Assessor's Parcel #18-080-023

Gerald Marino
19419 Marna Lane
Sonoma, CA 95476

Dear Mr. Marino:

Please be advised that **Surface Mining Permit Application #97420-SMP** has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

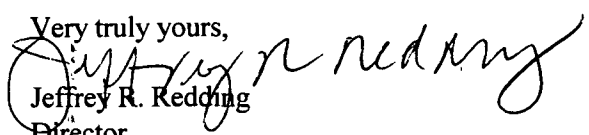
APPROVAL DATE: April 15, 1998 EXPIRATION DATE: April 26, 1999*

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the required filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,


Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator
Agency Mailing List (w/conditions of approval)

*Please see conditions of approval for time lines governing this permit

c:\data\dm::marino smp approval letter 97420SMP

EXHIBIT A

Revised
CONDITIONS OF APPROVAL
Pope Creek Rock Quarry/Gravel Pit
Surface Mining Permit Amendment 97420-SMP (Marino)

GENERAL:

1. The permit shall be limited to
 - (a) excavation from the "Rock Quarry" of up to 8,800 cubic yards of rock each year during the next 7 years;
 - (b) removal from the "Gravel Pit" of up to 5,500 cubic yards of aggregate each year during the next 25 years;
 - (c) processing and storage in the 5 3/4-acre Rock Quarry and 6 1/2-acre Batch/Wash Plant areas of the materials excavated under (a) and (b), respectively, above;
 - (d) loading, wholesale sales, and limited retail sales of the materials produced;
 - (e) operation accessory to the Gravel Pit of a dry concrete batch plant producing up to 3,500 cubic yards of concrete each year primarily from on-site materials for the next 25 years;
 - (f) placement in compliance with Environmental Health Dept requirements of a portable travel trailer in the Batch/Wash Plant Area and its use thereafter for up to the next 25 years to house a mine watchman; **AND**
 - (g) reclamation of all areas disturbed both henceforth and in the past in conformance with the May 16, 1997 Pope Creek Rock Quarry/Gravel Pit "Reclamation Plan" as modified by the conditions of approval of this permit

all in substantial conformance with the Hard Rock Quarry Area Plot Plans and Section all dated November 1997, the Gravel Pit Area Plot Plan and Section dated October and December 1997, respectively, and the Batch/Wash Plant Area Plot Plans and Section dated November and October 1997, respectively. All further use of this mine shall be in substantial conformance with the provisions of the "reclamation plan" cited above and the Nichelini General Engineering letter dated August 11, 1997, both as hereby amended by the conditions of this permit.

Introduction of additional uses, production of products other than sand, gravel, drain rock, fill, road base, rip-rap, and concrete, expansion of the area to be excavated, expansion in the other areas on-site utilized for mining-related activities, installation of equipment or construction of facilities including roads and accessways other than those indicated on the plot plans referenced above, parking/stockpiling/storage of vehicles, equipment, and materials in areas other than those identified on the plot plans referenced above for said uses, on-site storage of materials produced off-site beyond that authorized herein, wholesale or retail sales of materials produced off-site, or increase in production beyond the 8,800 cubic yards of rock, 5,500 cubic yards of fill/sand/gravel, and 3,500 cubic yards of concrete per year authorized herein shall be by separate surface mining permit submitted for Commission or Planning Director consideration.

2. The project shall, for purposes of this permit, be separated into 4 phases (ie, the site cleanup, permitting/site preparation, operation, and reclamation phases). The activities associated therewith shall take place on the following schedule:

PHASE I - SITE CLEANUP (COMPLETED BY JULY 1, 1998)

- A. Site Cleanup
- B. Bond Provision

PHASE II - PERMITTING/SITE PREPARATION (COMPLETED BY JUNE 1, 2000)

- A. Filing of Complete Applications For All Needed Permits Remaining
- B. Site Preparation

PHASE IIIa - OPERATION-ROCK QUARRY (JULY 1, 1998 - JUNE 1, 2006)

- A. Ongoing Rock Quarrying & Processing

PHASE IIIb - OPERATION-GRAVEL PIT (JULY 1, 1998 - JUNE 1, 2023)

- A. Securing of All Necessary Gravel Mining/Processing Permit
- B. Ongoing Gravel Mining & Processing
- C. Necessary Concrete Batch Plant Operation Permit Securement
- D. Necessary Concrete Batch Plant Facility Improvements
- E. Ongoing Concrete Batch Plant Operation
- F. Annual Inspection/Production Reporting

PHASE IVa - RECLAMATION-ROCK QUARRY (BEGUN BEFORE JUNE 1, 2006)

- A. Initial Rock Quarry Area Reclamation
- B. Rock Quarry Area Monitoring/Replanting

PHASE IVb - RECLAMATION-BATCH/WASH PLANT AREA (BEGUN BEFORE JUNE 1, 2023)

- A. Initial Batch/Wash Plant Area & Gravel Pit Reclamation
- B. Batch/Wash Plant Area & Gravel Pit Monitoring/Replanting
- C. Annual Inspection/Revegetation Progress Reporting

Reclamation of the Rock Quarry or the Gravel Pit & Batch/Wash Plant areas shall be initiated by June 1, 2000, if rock or gravel mining, respectively, is not re-commenced in full conformance with the requirements of this permit by said date.

- 2a. The project authorized herein shall be reviewed by the Planning Commission every 5 years at a noticed public hearing to determine its compliance with the conditions of, and evaluate the need for changes to, this permit. The Commission may after hearing the testimony presented impose additional conditions to protect environmental resources and/or handle any problems noted with this operation during the proceeding 5 years or anticipated in the following 5 years. A fee for said review equivalent to the "planning fee" charged at that time for processing a surface mining permit amendment shall be paid by the mine operator, or if there is no mine operator, the property owner on June 1st of every 5th year starting in 2003.
3. All prior mining-related discretionary permits on this property including, but not limited to, Use Permit 44-66 authorizing operation of a concrete batch plant shall become null and void upon approval of this surface mining permit.

4. Certificate of Extent of Legal Nonconformity 96092-CLN recognizing as a legal non-conformity the seasonal extraction and processing of gravel from Pope Creek shall become null and void upon approval of this surface mining permit.
5. All mining operations, related material processing, storage, & shipping, and concrete production shall permanently cease on-site and reclamation shall begin by June 1, 2006 unless continued mining and/or mine-related activities after that time are authorized by separate surface mining permit approved by the County.
6. No land divisions nor property transfers shall be undertaken that would place any portion of this mine on a parcel separate from that on which the remainder of the operation is situated.

SITE CLEANUP:

7. All trash, spoils piles, and abandoned/unused equipment, buildings, and installations in the Rock Quarry and Batch/Wash Plant areas shall be removed from the subject property and properly disposed of off-site by July 1, 1998. Moreover, by this same date the "abandoned" trailer present shall be removed from that part of the property to be utilized by the mining operation authorized herein.
8. All spoils, debris, and solid waste generated by site cleanup activities shall be disposed of at approved locations that are outside the boundaries of all floodways, riparian zones, marshes, wetlands and vernal pools and are more than 50 feet from the tops of the bank of any drainageway, pond, or lake. The location of each potential disposal site selected shall be submitted to the Planning Division and, where appropriate, the Napa Co Local Enforcement Agency for approval prior to commencement of its use.
9. Upon removal of the raised fuel tank, the soils in the vicinity shall be evaluated for the presence of hazardous materials. Thereafter those actions, if any, determined necessary by the Napa Co Local Enforcement Agency to remediate the problem shall be implemented immediately.
10. The existing wash ponds shall be cleaned out and repaired as necessary by July 1, 1998 such that they will remove at least 70% of the sediment in the waters delivered to this pond complex prior to their seepage/discharge back into Pope Creek.
11. The gulying caused by the discharge from the drainage ditch running along the south side of the Batch/Wash Plant Area flowing down the new access to the creek bottom shall be repaired and a permanent solution implemented so that further gulying does not occur. Said work shall be completed to the satisfaction of the Napa Co Planning Division by July 1, 1998.
12. Fast-growing, low maintenance, "native", evergreen trees and shrubs found locally shall be planted at strategic locations along Pope Canyon Road and the east property line to break up views from this roadway of the Rock Quarry and Batch/Wash Plant areas and to screen the materials and equipment therein from view not only from this road but also from any off-site residences. The size and species of plants selected shall be such as to achieve these goals within 5 years. All landscaping installed shall thereafter be permanently maintained in place in accordance with the landscape plan approved(see Condition 16 below).

13. An effective program and schedule acceptable to the Napa Co Planning Division for controlling the present star thistle infestation in and adjacent to the Batch/Wash Plant Area shall be submitted by July 1, 1998.
14. A *revised* reclamation plan meeting the applicable requirements of all federal, state, regional and local public agencies and the conditions of this permit shall be submitted to the Napa Co Planning Division for review and approval by July 1, 1998. Said submittal shall be accompanied by evidence that the plan provided is acceptable to the State Office of Mine Reclamation.
15. A *revised* Revegetation Plan shall be submitted to the Napa Co Planning Division for review and approval by July 1, 1998. Said submittal shall be accompanied by evidence that the plan provided is acceptable to the State Office of Mine Reclamation. The revised plan shall clearly state the revegetation goal(s) for each of the areas disturbed (ie, the Rock Quarry, the Gravel Pit, and the Wash/Batch Plant Area). It shall contain a clearly defined and detailed set of performance standards for the following parameters: plant community type(s); percent plant cover; shrub and tree density; species composition; minimum plant productivity; and preferred final life form. Said standards shall be such that adequate cover for soil protection, suitable species composition for forage and shelter requirements, and adequate productivity or density for forage will be achieved. They shall be established using 2 randomly selected 1+-acre control plots. The plan shall also specify general methods for achieving said standards and include a detailed monitoring schedule.
16. *Revised* plot plans for the Rock Quarry, Gravel Pit, and Batch/Wash Plant areas reflecting the conditions of this permit and accurately depicting the location of all physical features of the site including trees and drainageways and the mining facilities to be utilized, including buildings, fixed and portable equipment, haul and permanent roads, soil/fines stockpile areas, waste concrete disposal areas, raw material & product storage areas, and vehicle & equipment parking areas shall be submitted to the Napa Co Planning Division by July 1, 1998.
17. A detailed landscaping plan for the plantings required under Condition 12 above shall be submitted to the Napa Co Planning Division for review and approval by July 1, 1998. The plan provided shall indicate the common and scientific names of all plant materials to be used, whether they are evergreen or deciduous, whether they are native or non-native, the Sunset Climate Zones to which they are adapted, whether they are drought-resistant, their mature height, the locations where they are to be planted, and how they are to initially irrigated and maintained. Drought-resistant plants requiring minimal maintenance and no irrigation on a long-term basis shall be utilized.

FACILITY DESIGN:

18. All exterior building materials shall be non-reflective. Moreover, such materials shall be of a brown, green, or gray color acceptable to the Napa Co Planning Division that blends with the surrounding soil/vegetation.

SITE PREPARATION:

19. The trees scattered throughout the Batch/Wash Plant Area, the tree(s) near the present feed bin/conveyor equipment in the Rock Quarry Area, and the trees along Pope Creek in both these areas shall have their limbs trimmed up as necessary to keep vehicles and mining

- equipment from snagging on them. Thereafter protective fences whose locations are acceptable to and approved by the Napa Co Planning Division shall be installed.
20. Any outfall/overflow from the existing wash ponds shall be rocked or otherwise protected as necessary to the satisfaction of the Napa Co Planning Division to prevent the discharge from eroding the banks of Pope Creek.
 21. Clearly defined Soil Stockpile Areas for both soils and fines shall be established in both the Rock Quarry and Batch/Wash Plant areas. All such materials collected to date shall be moved into these areas and thereafter signs shall be installed indicating that the materials present therein are not to be removed.
 22. The existing entry "gates" shall be relocated, as necessary, and any new/replacement gates henceforth installed set at least 80 feet back from the nearest edge of the pavement along Pope Canyon Road.
 23. A bermed and imperviously surfaced pad on which concrete batching, equipment cleaning, and cement storage activities will in the future take place and state-of-the-art dust control equipment shall be installed at the batch plant prior to re-commencement of concrete making activities on-site. If the existing batch plant is replaced, the required pad shall be located no closer than 50 feet from the top of the bank of Pope Creek.
 24. The location where the waste concrete generated by the batch plant is to be disposed of shall be clearly identified. Said location shall be situated outside the channel of Pope Creek.
 25. Building permits for all the structures and equipment proposed to be used in the mining operation authorized herein shall, where needed, be obtained from the Napa Co Building Inspection Division.
 26. Complete applications for the necessary permits for the mining operation authorized herein from the US Army Corps of Engineers, State Dept of Fish & Game, Central Valley Regional Water Quality Control Board, State Division of Water Rights, Bay Area Air Quality Management District, and the Napa Public Works and Environmental Management departments shall be filed by July 1, 1998.
 27. A parking plan for the entire operation specifying proposed mining equipment, truck, employee, and visitor parking areas shall be submitted to the Napa Co Planning Division for review and approval. Included thereon shall be the location of and the specifications for all parking and traffic control signs proposed. Implementation of said plan including installation of any pavement, pavement striping, and signs needed shall be completed prior to June 1, 1998 or re-commencement of further mining operations on-site, whichever comes latter.
 28. The mine operator shall enter into an agreement with the County to pay for the costs of repair of any excessive damage to County roads caused by the trucking activity associated with this mine by June 1, 1998 or re-commencement of further mining operations on-site, whichever comes latter.

MINE PRODUCTION & PRODUCT STORAGE:

29. Rock and aggregate production shall not exceed 24,900 and 8,800 tons per year, respectively, when averaged over any consecutive three (3) year period. Moreover, in any

42. Any topsoils encountered shall be placed in the Soil Stockpile Areas created under Condition 21 above. In addition each year soils/fines in an amount at least equal to 11% of the combined volume of the rock and aggregate produced that year shall be stockpiled in these areas until the estimated 20,000 cubic yards of "soils" needed to re-soil both the Rock Quarry & Batch/Wash Plant areas in conformance with the reclamation plan approved herein are present. All said materials shall be treated in such a manner so as to maintain their usability as a high quality growth medium.
43. All work shall be halted within 100 feet if concentrated archaeological materials (eg, worked stone, bone, charcoal, human remains, etc) are encountered. The work shall remain stopped until such time as a SOPA-listed professional archaeologist has evaluated the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa Co Planning Division. All mitigation measures suggested therein shall, with the concurrence of the Planning Director, be implemented. All persons working at this mine shall be informed of, and all lessees of and contractors doing work thereat shall be bound by contract to honor, this requirement.
44. The material storage/truck loading areas utilized shall be laid out and operated in such a manner that the amount of backing up the trucks and other mobile equipment used therein do is, to the greatest extent practical, minimized.
45. All trucks operated on-site shall have operable, current industry-standard mufflers. Quiet retarder brake systems (such as well-muffled "jake brakes" and exhaust retarders) shall be installed thereon.
46. Effective acoustic barriers shall be placed around all noisy stationary generators, compressors, pumps, and motors used on-site.
47. No PA systems or other sound amplification equipment shall be used on-site.
48. Water and/or dust palliatives shall be applied in sufficient quantities to all unpaved travelways and areas within which ground disturbance is taking place to keep to an absolute minimum the amount of dust produced. Moreover, any dirt tracked onto Pope Canyon Road or any paved surfaces on-site shall be swept off daily.
49. All dust control equipment installed at the batch plant shall be serviced and maintained in strict conformance with the manufacture's instructions.
50. The existing sedimentation basin in the Rock Quarry Area and the wash ponds in the Batch/Wash Plant Area shall be inspected in October of each year and repaired and cleaned out as necessary to maintain their ability to trap 70% of the sediment delivered to them.
51. Drainage patterns in the Rock Quarry and Batch/Wash Plant areas shall be maintained/adjusted as necessary such that throughout the life of this mining operation all runoff from the disturbed portions of these two areas continues to flow into the sedimentation basin/wash ponds present respectively.
52. Aggregate, truck, other vehicle, and equipment wash water shall only be discharged into the wash ponds in the Batch/Wash Plant Area; discharge of such water into the channel of Pope Creek is strictly prohibited. All persons operating trucks and other mining-related equipment on-site shall be informed of this restriction.

53. Water shall only be removed from Pope Creek during high flow periods between December 1 and April 1 and then only to wash aggregate and/or fill the wash ponds present. All other water used in this mining operation shall be drawn from these ponds or a well, not directly from Pope Creek.
54. Product, raw materials, trash, or debris shall not be stored/dumped nor vehicles or equipment parked/stored within the tree protection fences required under Condition 19. In fact these fences shall not be opened nor moved without prior approval of the Napa Co Planning Division. Any necessary work subsequently authorized therein shall be done with extreme care so as to not damage these trees. Any additional actions beyond fencing and trimming found necessary by the Division to maintain/enhance the health of these trees shall, upon notice to the operator, be implemented.
55. No trees including elderberry "bushes" shall be removed without prior written approval of the Napa Co Planning Division. In the case of elderberry "bushes" said approval shall not be given without evidence that the US Fish & Wildlife Service concurs.
56. The portions of the subject property utilized by this mining operation shall be maintained in a clean and neat state at all times. These areas shall be cleared of all solid waste and other debris at least once a month.
57. All spoils, debris, and solid waste generated by this mining operation shall be disposed of at approved locations that are outside the boundaries of all floodways, riparian zones, marshes, wetlands and vernal pools and are situated more than 50 feet from the tops of the bank of any drainageway, pond, or lake. The location of each disposal site to be utilized shall be submitted to the Napa Co Planning Division and, where appropriate, the Napa Co Local Enforcement Agency for approval prior to commencement of its use.
58. Each person operating mining-related equipment on this property shall be provided a copy of these conditions with related attachments (ie, agency comments, Project Revision Statement, plot plans, etc) and informed of his/her duty to adhere to the restrictions contained therein. Evidence that this has been done shall be submitted to the Napa Co Planning Division on July 1st of every third year starting in 1998.

PARKING/EQUIPMENT STORAGE:

59. All vehicles and equipment parked/stored on-site shall be situated such as to have minimal visibility from Pope Canyon Rd and off-site residences. No equipment or vehicles other than those actually in use in the mining operation, driven to work by employees of the mine, driven to the site by persons buying material, associated with on-site farming operations, or associated with the on-site residence(s) shall be parked on this property.

PUBLIC ROADS:

60. County roads shall not be used in such a manner so as to produce excessive damage. If the Napa Co Public Works Dept determines that damage beyond normal wear has resulted, payment for repair to said department's satisfaction shall be immediately made.
61. Use of public roads by heavy trucks moving mining equipment and transporting mined materials shall be minimized to the greatest extent possible on Fridays and the 12 weekend days each year operation of the mine is herein authorized. Moreover, any reasonable

restrictions on the days, dates, and times a given public road may be used that are found necessary by a school district/public works department to prevent hazardous conditions during school busing hours/damage to public roads shall be strictly adhered to.

62. Any flagman and/or additional traffic signs found necessary by the Napa Co Public Works Department, CALTRANS, the State Highway Patrol, and relevant city public works departments to eliminate hazards from the truck traffic generated shall be provided/installed.

SIGNAGE & LIGHTING:

63. An elevation specifying sign height, width, length, material(s), text, lettering size(s) and color(s) and a plot plan indicating proposed location shall be submitted to the Planning Division for review and approval at least 10 working days prior to the planned installation of any future signs on-site. Each sign installed shall be maintained in a readable state. Except for temporary traffic warning signs, use of moveable or portable signs is prohibited (Napa Co Code Section 18.116.060F).
64. No outdoor lighting of a permanent nature shall be installed at the subject mine. Temporary lighting, however, may be put up during floods and other recognized emergencies. Said temporary systems shall only be operated while work is actually taking place on site.

SITE RECLAMATION & REVEGETATION:

65. All reclamation activities shall be conducted in accordance with the applicable requirements of all federal, state, regional and local public agencies and the revised reclamation and revegetation plans required under Conditions 14 and 15 above.
66. All equipment (including the Batch Plant), vehicles, buildings (including the watchman's trailer authorized herein), roads (other than the access road through the Batch/Watch Plant Area), accessways, pavement, debris, spoils piles, and material stockpiles associated with hard rock quarrying and in-channel gravel removal shall be removed from the subject parcel and properly disposed of off-site by August 1, 2006 and 2023, respectively or, if sooner, within 60 days after the subject activity "permanently ceases". For purposes of this permit hard rock mining/gravel removal shall be considered by definition to have "permanently ceased" if (a) the property owner informs the Planning Division that this mine has been abandoned or (b) less than 2,500 tons of rock or 1,500 tons of gravel, respectively, is excavated annually for 3 consecutive years.

The entirety of each area disturbed by the subject activity shall within 30 days after the date identified above be re-graded to a natural appearing contour.(ie, a stream terrace with a natural hillock along the gorge in the case of the Rock Quarry; a series of natural stream terraces in the case of the Batch/Wash Plant Area). All remaining roadbase materials present therein shall be removed and those soils that have been severely compacted ripped to a depth of 18 inches. Within 30 days thereafter stockpiled topsoil, fines and overburden shall be spread over the entirety of the "pad" in the Rock Quarry Area to a depth of at least 18 inches and the whole of the Batch/Wash Plant Area to a depth of no less than 6 inches. The bare soil surface thereby created shall thereafter be mulched. Revegetation of these mulched soils shall take place the following October before the first winters rains. Temporary fencing shall immediately be installed around these revegetated areas to protect the young plants present from grazing deer and/or cattle. Said fences shall remain in place for 2 years

after the last year augmented seeding or replanting is done. Thereafter fencing that does not demarcate property lines shall be promptly removed.

The initial revegetation of this site and the subsequent maintenance of revegetated areas created shall be administered by a qualified person familiar with local plants and conditions.

67. All areas reclaimed shall be monitored every 60 days and remedial actions taken as necessary to assure the successful revegetation. In September of the first year and in each year thereafter until the end of the bonding period established under Condition 73, survival rates, growth, and the general health of the each species planted, the grass/ground cover coverage achieved, and the amount of weed present shall be measured. Shrub/tree replanting and/or supplemental seeding shall be undertaken before the end of October in each year survival rates of the trees and shrubs planted fall below 80% and/or grass/ground cover coverage falls below 70%. Moreover, weed control shall be immediately initiated if weed becomes endemic in any revegetated area or portion thereof.

A report of the results of said monitoring and supplemental revegetation work, which shall be prepared by a qualified person familiar with local plants and conditions, shall be submitted to the Planning Division by July of the following year. Said report shall indicate the survival rates, growth, and health of the various species planted, grass/ground cover coverage achieved, the amount of weed present, the amount of progress made in meeting the performance standards set by the approved Revegetation Plan, and the extent of the supplemental planting work and weed control efforts undertaken the prior year. Said report shall also indicate what changes, if any, in future field plantings, soil amendment requirements, supplemental seeding requirements, seed mixtures, and other technical details of the Plan are needed to meet the performance standards established.

68. Reclamation of an area shall not be considered complete until the performance standards established in the revised Revegetation Plan approved have been met and thereafter maintained for at least 3 years without irrigation, supplemental seeding, fertilizing, or other human intervention.
69. Reclamation activities involving noisy construction equipment such as graders, scrapers, and large trucks shall only take place on weekdays between the hours of 7 in the morning and 6 in the evening. All such vehicles shall have operable, current industry-standard muffler systems installed on them.
70. Water and/or dust palliatives shall be applied in sufficient quantities on all unpaved travelways on-site and during all ground disturbing activities to keep to a minimum the amount of dust produced.
71. All spoils, debris, and solid waste generated by site reclamation shall be disposed of at approved locations that are outside the boundaries of all floodways, riparian zones, marshes, wetlands and vernal pools and are situated more than 50 feet from the tops of the bank of any drainageway, pond, or lake. The location of each disposal site to be utilized shall be submitted to the Planning Division, and where necessary, the Napa Co Local Enforcement Agency for approval prior to commencement of its use.

FINANCIAL GUARANTEES:

72. A Financial Security Agreement executed by the property owner and mine operator covering

the reclamation work to be performed shall be submitted to the Napa County Board of Supervisors for review and approval by July 1, 1998. Said agreement shall thereafter be reviewed every 5 years until the required reclamation work is accepted by the County's Planning Director as full and complete. The cost of said reviews shall be borne by the mine operator, or, if there is none, the property owner.

73. Initial surety bonds or other allowable securities as specified in Section 16.12.160 of the Napa Co Code shall be posted by July 1, 1998 by the mine operator, or, if there is none, the property owner to guarantee full and complete reclamation of each of the areas disturbed. The initial amounts of said securities shall be as follows:

- A. Hard Rock Quarry Area - \$22, 900
- B. Gravel Pit & Batch/Wash Plant Area - \$25, 900

Each security thereafter shall be kept in full force and effect until reclamation and revegetation of all portions of the area involved have been completed to the satisfaction of the Planning Director. Thereafter a residual bond or other security in an amount necessary to ensure the continued viability of the reclamation effort in this portion of the site shall be maintained for a period of 5 years beginning with the last year of augmented seeding, fertilizing, etc. The amount of said security shall not be less than 10% of the aggregate cost for all reclamation work performed in that area or the cost to completely revegetate the area, whichever is greater.

74. The amounts of the securities required shall be reviewed and adjusted as necessary in June of each year to assure that they remain sufficient to reclaim each area to the plan adopted. Calculations on the State Office of Mine Reclamation's Financial Assurance Cost Estimate Worksheets done in conformance with the instructions thereto specifying the size of the securities needed shall be submitted to the Planning Division for review and approval by July 1st along with evidence that the staff of the State Office of Mine Reclamation have reviewed said calculations and found the results reasonable.

All mine-related activities shall cease on-site if said calculations and the revised securities they mandate have not been received by the Planning Division by the date specified above. Moreover, they shall remain suspended thereafter until said calculations and securities are received.

ENVIRONMENTAL/AGENCY REQUIREMENTS:

75. Mitigation Measures 1 through 16 contained in the August 15, 1997 Project Revision Statement attached to the Revised Pope Creek Rock Quarry/Gravel Pit Negative Declaration shall be fully complied with. Full compliance shall include removal of the debris fence required under Mitigation Measure 3 and the boulders, rock, and debris caught no latter than June 1, 2006.
76. All applicable building codes, zoning standards, and requirements of various County departments and other local, state and federal agencies that are not in conflict with these conditions shall be fully complied with. Said requirements shall include, without limitation, those requirements contained in the following documents:
- (a) Napa Co Public Works Dept Comments dated October 30, 1996;
 - (b) Napa Co Fire Dept Comments dated March 19, 1997 (in addition standard highway address and hydrant location signs satisfactory to the Napa Co First Dept shall be installed);

- (c) Napa Co Environmental Management Dept Comments dated October 30, 1996 and April 15, 1998;
- (d) Napa Co Building Inspection Division Comments dated October 22, 1996;
- (e) State Office of Mine Reclamation Comments dated November 14, 1997 (excluding that portion of Recommendation 4 prohibiting the use of the channel as an accessway);
- (f) State Dept of Fish & Game Comments dated November 24 and May 29, 1997 (excluding Recommendation 3);
- (g) State Division of Water Rights Comments dated November 1, 1996;
- (h) US Army Corps of Engineers Comments dated June 18, 1997; **AND**
- (i) US Bureau of Land Management Comments dated March 13, 1997.

- 77. All applicable provisions of Chapter 16.12 (Surface Mining & Reclamation) of the Napa County Code shall be fully complied with.
- 78. All relevant reclamation standards contained in Article 9 (Reclamation Standards) of the adopted *State Mining & Geology Board Reclamation Regulations* shall be met.
- 79. All staff costs associated with (a) the state-mandated annual inspections of this mine, (b) monitoring compliance with these conditions and project revisions, and (c) the required reviews of this permit by the Commission every 5th year shall be borne by the mine operator or, if there is none, the property owner other than those costs related to the investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Board of Supervisors' Resolution 95-77 as hereafter amended or replaced. If said costs are not paid within 10 days of demand, all mining operations shall cease on-site. They shall remain suspended thereafter until payment of all monies owed is received by the County.

STATE WATER RESOURCES
CONTROL BOARD

98 APR 22 PM 12:20

DIV. OF WATER RIGHTS
SACRAMENTO

3008023

~~JM~~
file

March 26, 1998

Dear Joan Jurancich,

We are the successor's to the Gardner Rock water rights in Pope Valley on Pope Canyon Road. We would like the interest in this water right be changed over to the following names.

GERALD J. MARINO & Norma D. Marino and Joseph Nichelini whom are the current owners of said property.

If you have any questions I can be reached at 707-996-8146.

My mailing address is Gerald J. Marino, 19419 Marna Lane, Sonoma, Calif. 95476

Thank you for your cooperation.

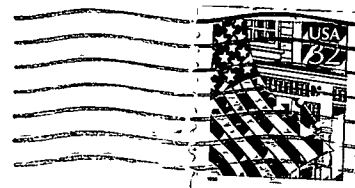
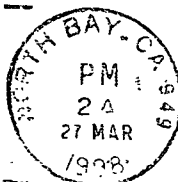
Sincerely,

Gerald J. Marino

Gerald J. Marino

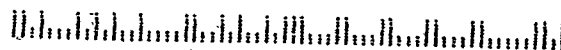
WRMS
UPDATED
4/1/98
KCB

Gerald J. Marino
19419 Marna Lane
Sonoma, CA 95476



Mrs Joan Jurancich
P.O. Box 2000
Sacramento, Calif
95812-2000

95812-2000



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503

(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008023

GARDNER'S ROCK, SAND & GRAVEL
2700 POPE CANYON ROAD
ST HELENA, CA 94574

TELEPHONE NUMBER:
(707) 965-2159

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: POPE CREEK

TRIBUTARY TO: PUTAH CREEK

COUNTY: NAPA

DIVERSION

WITHIN: SE1/4 OF SW1/4 SECTION 10, T09N, R05W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1993. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts ☐ Gallons
below are: ☒ Acre-feet
☐ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1990	5	5	5	5	10.2'	10.2'	6	4	CREEK DRY	CREEK DRY	1	1	52.42
1991	5	5	5	1	10.2'	10.2'	5	1	"	"	CREEK DRY	5	47.21
1992	5	5	10.2'	10.2'	10.2'	10.2'	5	CREEK DRY	"	"	1	5	51.63

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) WASH AGGREGATE

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

ADDITIONAL 1 HP PUMP FOR DOMESTIC USE

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

ALL WATER IS DIVERTED TO SILTATION PONDS AND LEACHES BACK TO POPE CREEK BELOW DIVERSION DAM

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 4 14, 1993, at NAPA CA, California

Signature: [Signature]

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATE WATER RESOURCES
CONTROL BOARD
1990 JAN 28 PM 3:14
DIVISION OF WATER RIGHTS
SACRAMENTO

DIVERTER OF RECORD:

GARDNER'S ROCK, SAND & GRAVEL
2700 POPE CANYON ROAD
ST HELENA, CA 94574

TELEPHONE NUMBER:
(707) 965-2159

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: POPE CREEK

TRIBUTARY TO: PUTAH CREEK

COUNTY: NAPA

DIVERSION

WITHIN: SE1/4 OF SW1/4 SECTION 10, T09N, R05W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1990. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts ☒ Gallons
below are: ☐ Acre-feet
☐ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1987													
1988													
1989	105,000	90,000	105,000	50,000	110,000	210,000	210,000	210,000	50,000	20,000	20,000	20,000	1,230,000

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation

Stockwatering

Domestic

Other (specify) Aggregate Wash Plant, Concrete Plant

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No new improvements - Consists of diversion dam, sediment ponds,

2 - 10 h.p. pumps Recirculation Pond

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

Recirculation Pond - 80% Recirculated.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 1-25, 1990, at Napa, California

Signature:

[Signature]

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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